

Chapter 20

Volunteer Government Workers Act

67-20-1 Short title.

This chapter is known as the "Volunteer Government Workers Act."

Amended by Chapter 136, 1986 General Session

67-20-2 Definitions.

As used in this chapter:

- (1) "Agency" means:
 - (a) a department, institution, office, college, university, authority, division, board, bureau, commission, council, or other agency of the state;
 - (b) a county, city, town, school district, or special improvement or taxing district; or
 - (c) any other political subdivision.
- (2) "Compensatory service worker" means a person who performs a public service with or without compensation for an agency as a condition or part of the person's:
 - (a) incarceration;
 - (b) plea;
 - (c) sentence;
 - (d) diversion;
 - (e) probation; or
 - (f) parole.
- (3)
 - (a) "Volunteer" means a person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.
 - (b) "Volunteer" does not include:
 - (i) a person participating in human subjects research to the extent that the participation is governed by federal law or regulation inconsistent with this chapter; or
 - (ii) a compensatory service worker.
 - (c) "Volunteer" includes a juror or potential juror appearing in response to a summons for a trial jury or grand jury.
- (4) "Volunteer facilitator" means a business or nonprofit organization that, from individuals who have a relationship with the business or nonprofit organization, such as membership or employment, provides volunteers to an agency or facilitates volunteers volunteering with an agency.
- (5) "Volunteer safety officer" means an individual who:
 - (a) provides services as a volunteer under the supervision of an agency; and
 - (b) at the time the individual provides the services to the supervising agency described in Subsection (5)(a), the individual is:
 - (i) exercising peace officer authority as provided in Section 53-13-102; or
 - (ii) if the supervising agency described in Subsection (5)(a) is a fire department:
 - (A) on the rolls of the supervising agency as a firefighter;
 - (B) not regularly employed as a firefighter by the supervising agency; and
 - (C) acting in a capacity that includes the responsibility for the extinguishment of fire.
- (6) "Volunteer search and rescue team member" means an individual who:
 - (a) provides services as a volunteer under the supervision of a county sheriff; and

- (b) at the time the individual provides the services to the county sheriff described in Subsection (6)(a), is:
 - (i) certified as a member of the county sheriff's search and rescue team; and
 - (ii) acting in the capacity of a member of the search and rescue team of the supervising county sheriff.

Amended by Chapter 249, 2013 General Session

67-20-3 Purposes for which a volunteer is considered a government employee -- Limitations of liability for volunteer facilitators.

- (1) Except as provided in Subsection (2) or (3), a volunteer is considered a government employee for purposes of:
 - (a) receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act;
 - (b) the operation of a motor vehicle or equipment if the volunteer is properly licensed and authorized to do so; and
 - (c) liability protection and indemnification normally afforded paid a government employee.
- (2)
 - (a) A supervising agency shall provide workers' compensation benefits for a volunteer safety officer as provided in Section 67-20-7.
 - (b) A volunteer safety officer is considered an employee of the supervising agency of the volunteer safety officer for purposes of Subsections (1)(b) and (c).
- (3)
 - (a) The county of a county sheriff that certifies and supervises a volunteer search and rescue team member shall provide workers' compensation benefits for the volunteer search and rescue team member as provided in Section 67-20-7.5.
 - (b) For purposes of Subsections (1)(b) and (c), a volunteer search and rescue team member is considered an employee of the county of the county sheriff that certifies and supervises the volunteer search and rescue team member.
- (4) A volunteer facilitator is immune from liability for damages or injuries arising out of or related to the volunteer service of a volunteer provided by the volunteer facilitator to an agency, unless:
 - (a) an action or omission of the volunteer facilitator is grossly negligent, not made in good faith, or made maliciously, and causes harm to a person or property; or
 - (b) the volunteer facilitator fails to exercise due diligence in determining the fitness of a volunteer to provide voluntary service to the agency under circumstances that make the volunteer facilitator's failure to exercise due diligence grossly negligent, not in good faith, or malicious.

Amended by Chapter 249, 2013 General Session

67-20-4 Approval of volunteer.

- (1) Except as approval is provided under Subsection (2), a volunteer may not donate any service to an agency unless the volunteer's services are approved by:
 - (a) the chief executive of that agency or the authorized representative; and
 - (b) the office of personnel having jurisdiction over that agency.
- (2) When the county sheriff determines that a search and rescue emergency situation exists that requires law enforcement action, the county sheriff may approve a volunteer who offers

to donate a service for any law enforcement related activity conducted in response to the emergency situation.

Amended by Chapter 148, 2014 General Session

67-20-6 Compensatory service worker workers' compensation medical benefits.

A compensatory service worker is considered a government employee for purposes of receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under:

- (1) Title 34A, Chapter 2, Workers' Compensation Act; and
- (2) Title 34A, Chapter 3, Utah Occupational Disease Act.

Amended by Chapter 185, 2002 General Session

67-20-7 Workers' compensation benefits for a volunteer safety officer.

- (1) A volunteer safety officer is considered an employee of an agency that supervises the volunteer safety officer for the purpose of receiving workers' compensation benefits under:
 - (a) Title 34A, Chapter 2, Workers' Compensation Act; and
 - (b) Title 34A, Chapter 3, Utah Occupational Disease Act.
- (2)
 - (a) In accordance with Section 34A-2-105, the workers' compensation benefits described in Subsection (1) are the exclusive remedy against the supervising agency, or an officer, agent, or employee of the supervising agency, for all injuries and occupational diseases resulting from the volunteer safety officer's services for the supervising agency as a volunteer safety officer.
 - (b) For purposes of Subsection (2)(a), the supervising agency for whom the volunteer safety officer provides services as a volunteer safety officer is considered an employer of the volunteer safety officer.
- (3) To compute the workers' compensation benefits for a volunteer safety officer described in Subsection (1), the average weekly wage of the volunteer safety officer shall be the state's average weekly wage at the time of the industrial accident or occupational disease that is the basis for the volunteer safety officer's worker's compensation claim.

Amended by Chapter 36, 2002 General Session

Amended by Chapter 185, 2002 General Session

Amended by Chapter 250, 2002 General Session

67-20-7.5 Workers' compensation benefits for a volunteer search and rescue team member.

- (1) A volunteer search and rescue team member is considered an employee of the county of the county sheriff that certifies and supervises the volunteer search and rescue team member for the purpose of receiving workers' compensation benefits under:
 - (a) Title 34A, Chapter 2, Workers' Compensation Act; and
 - (b) Title 34A, Chapter 3, Utah Occupational Disease Act.
- (2)
 - (a) In accordance with Section 34A-2-105, the workers' compensation benefits described in Subsection (1) are the exclusive remedy against the county of the supervising county sheriff or an officer, agent, or employee of the county or supervising county sheriff, for the injuries

and occupational diseases resulting from the volunteer search and rescue team member's services for the supervising county sheriff as a volunteer search and rescue team member.

- (b) For purposes of Subsection (2)(a), the county of the supervising county sheriff for whom the volunteer search and rescue team member provides services as a volunteer search and rescue team member is considered an employer of the volunteer search and rescue team member.
- (3) To compute the workers' compensation benefits for a volunteer search and rescue team member described in Subsection (1), the average weekly wage of the volunteer search and rescue team member for purposes of the volunteer search and rescue team member's workers' compensation claim is the average weekly wage of an entry-level deputy sheriff employed by the supervising county sheriff at the time of the industrial accident or occupational disease.

Enacted by Chapter 248, 2011 General Session

67-20-8 Volunteer experience credit.

- (1) State agencies shall designate positions for which approved volunteer experience satisfies the job requirements for purposes of employment.
- (2) When evaluating applicants for those designated positions, state agencies shall consider documented approved volunteer experience in the same manner as similar paid employment.
- (3) The Department of Human Resource Management shall make statewide rules governing the:
 - (a) designation of volunteer positions; and
 - (b) a uniform process to document the approval, use, and hours worked by volunteers.

Amended by Chapter 139, 2006 General Session